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# Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri

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Hazardous Waste Program technical bulletin

7/2003

Since the mid-1800's, Americans have added the fruits of technology and industry to their recipe for a better life. They have found lately, however, that by-products of some achievements are often unsafe when dumped. Solvents can contaminate drinking water. Waste chemicals can mix and interact, producing a toxic stew far worse than any single ingredient.

In 1980, the United States Congress established the Comprehensive Environmental Response, Compensation and Liability Act, better known as "Superfund" or CERCLA. The federal statute provided both response and funding mechanisms for the cleanup of hazardous substance disposal sites. After CERCLA became federal law, Missouri passed legislation directing the Missouri Department of Natural Resources to establish a *Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri (Registry)*.

## Missouri Registry

Section 260.445 RSMo 1986 of the Missouri Hazardous Waste Management Law directs the department to conduct investigations of potential abandoned or uncontrolled hazardous waste disposal sites and identify those that should be placed on the *Registry*. When the presence of hazardous waste is confirmed at a site, the department notifies the owner or owners of the site that it intends to place the property on the *Registry*. The notification is sent by certified mail to the owner's last known address 30 days before the site is to be added to the *Registry*.

The owner or operator of the site can appeal its proposed addition to the *Registry*, and no site may be listed on the *Registry* until the appeal is resolved. If an appeal cannot be resolved through negotiation, the Missouri Hazardous Waste Management Commission may convene a public hearing to address the appeal. At least 30 days before the hearing, a notice of the event is published in a newspaper in the same county as the site.

If the owner does not want the entire property placed on the *Registry*, the listing may be limited to the contaminated portion of the property if the owner or operator submits a land survey performed by a licensed surveyor that includes the contaminated area plus a 100-foot buffer zone in all directions. This allows the owner or operator unrestricted use of the portion of the property that is not contaminated.

If the owner is willing to remediate the site in order to avoid being listed on the *Registry* once the site has been proposed for listing, the owner may negotiate a consent agreement. The consent agreement establishes a schedule and specific responsibilities for the completion of site investigation and remediation by the property owner or responsible party. All activities are completed with state oversight.



Effective March 1, 1985, the Missouri Hazardous Waste Management Commission adopted regulation 10 CSR 25-10.010 pertaining to abandoned or uncontrolled hazardous waste disposal sites. The regulation addresses the following topics:

- Placing sites on the *Registry*, petitions for deletion from the *Registry*, changes in site classification or modification of information;
- Appeals to the commission;
- Responsible party cleanups;
- Changes of use or transfers of site property;
- Recording of sites placed on or removed from the *Registry*.

When a site is placed on the *Registry*, the history of the property as a hazardous waste disposal area is filed with the Recorder of Deeds. When the department finds that a site on the *Registry* has been properly cleaned up or closed with no evidence of potential adverse environmental impact, the site will be removed from the *Registry*, and this will also be filed with the Recorder of Deeds. These actions notify any purchasers of the property that the site is or has been on the *Registry*.

## **Registry Annual Report and Site Assessment**

Missouri law directs the department to transmit a report each Jan. 1 to the General Assembly and governor regarding those sites listed on the *Registry*. The statute also requires the report be provided to the Missouri Hazardous Waste Management Commission and the governing body of each county containing a *Registry* site. Each site on the *Registry* is described in detail in this annual report and includes the following information:

- A general description of the site, including the name and address of the site, the type and quantity of the hazardous waste disposed at the site and the name of the owner of the site;
- A summary of any significant environmental problems at and near the site;
- A summary of any serious health problems in the immediate vicinity of the site and any health problems deemed by the department to be related to conditions at the site;
- The status of any testing, monitoring, or remedial actions in progress or recommended by the department; the status of any pending legal actions and any federal, state, or local government permits concerning the site; the relative priority for remedial action at each site; and the proximity of the site to private residences, public buildings or property, school facilities, places of work, or other areas where individuals may regularly be present.

A Site Assessment Committee has been formed to evaluate the sites on the *Registry* and to recommend cleanup priorities to the director of the department. The Site Assessment Committee is currently composed of representatives from the department's Hazardous Waste Program, Public Drinking Water Program, Environmental Services Program, and Geological Survey and Resource Assessment Division. A fifth member represents the Missouri Department of Health (MDOH).

The members of the committee analyze the sites in terms of the potential for fires and explosions, and for groundwater, surface water, soil and air contamination. Members of the committee draw upon their own special expertise when assessing the site. For instance, the MDOH representative is responsible for identifying the possible effects of a site on human health.

Each year, the Site Assessment Committee meets to assess new sites and reassess sites in the previous Fiscal Year annual report, based upon new information available concerning a site,

or upon remedial measures taken at a site to reduce potential risk. According to the state law, any site classified as properly closed (Class 5) shall be removed from the *Registry* and all subsequent annual reports.

According to the state law, the sites are placed in one of the following categories:

- Class 1: Sites that are causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment -- immediate action required;
- Class 2: Sites that are a significant threat to the environment -- action required;
- Class 3: Sites that do not present a significant threat to the public health or the environment-action may be deferred;
- Class 4: Sites that have been properly closed -- require continued management;
- Class 5: Sites that have been properly closed with no evidence of present or potential adverse impact -- no further action required.

The relative need for action at each site is based solely upon the potential impact of the site on public health and the environment. The type of action required, the feasibility of such an action, and its cost or benefit are not the primary factors in deciding whether action is needed for the purpose of evaluating a site's *Registry* classification.

## **Registry Site Restrictions**

Once a site is placed on the *Registry*, it is subject to certain restrictions. The use of the site may not change substantially without the written approval of the director of the department. Regulation 10 CSR 25-10.010 specifies that the change of use is substantial if it may result in the spread of contamination, increases human exposure to hazardous materials, increases adverse environmental impacts, or makes potential remedial actions to correct problems at the site more difficult.

Approval of changes in ownership is not required; however, the law and regulations require that the seller must notify the buyer that the site is listed on the *Registry*, prior to sale, early in the negotiation process. Changes of ownership must be reported to the department within 30 days after the transfer of title. At that time, the seller must provide a notarized statement, signed by the buyer, to the department. The document should state that the buyer is aware that the site is on the *Registry*, and that restrictions are associated with *Registry* listing.

In the event these restrictions are violated, or there is reason to believe they will be violated, the department may institute civil action in any court of competent jurisdiction. Decisions issued by the department's director regarding a change of use of a site may be appealed to the Missouri Hazardous Waste Management Commission.

## **For More Information**

For more information on the *Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri* call or write

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